

Name of Person Filing: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Atlas Number (if applicable): \_\_\_\_\_

State Bar Number (if applicable): \_\_\_\_\_

Representing ☐ Self (Without a Lawyer) or ☐ Attorney for ☐ Petitioner or ☐ Respondent

## SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

\_\_\_\_\_  
Petitioner's Name

Case Number: \_\_\_\_\_

and

### MOTION AND AFFIDAVIT FOR DEFAULT WITHOUT A COURT HEARING

\_\_\_\_\_  
Respondent's Name

STATE OF ARIZONA                    )  
County of Maricopa                ) ss.

I am the Petitioner and I am asking the court to enter a Legal Separation Order by default without a court hearing. (Rule 55(b)(1)(ii), Arizona Rules of Civil Procedure.) I have put a check mark in each box in front of the statements below that are true and I understand that if any statement is not true, I cannot get a legal separation order without a hearing.

- ☐ I have read this ***"Motion and Affidavit for Default Without a Court Hearing"*** and to the best of my knowledge everything I have said is true.
- ☐ I have paid the filing and service fees or the filing and service fees have been waived or deferred. A copy of the receipt showing payment or a copy of the Order showing that the fees have been waived or deferred is attached.
- ☐ I am competent and sane. To the best of my knowledge, Respondent is competent and sane.
- ☐ At least 64 days have passed since the Respondent was served with the court papers. Service was not done by publication.
- ☐ The Respondent has not made an appearance in this matter or filed a Response. I have filed the ***"Application for Default"*** and Default has been entered against the Respondent.
- ☐ I, or Respondent, live in the State of Arizona.
- ☐ Conciliation Services provisions have been met since the filing of the Petition for Dissolution of Marriage or the provisions do not apply. (A.R.S. 25-381.09).
- ☐ The marriage is irretrievably broken.

- ☐ There are no minor children of the relationship of the parties who were born before or during the marriage, or who were adopted by the parties during the marriage. Wife, to my knowledge, is not pregnant.
- ☐ Neither the Petitioner nor the Respondent has any interest in real property (for example, land or houses).
- ☐ Neither Petitioner nor Respondent has made a claim for spousal maintenance. A claim for spousal maintenance is deemed waived by both parties.
- ☐ The total amount of bills and debts incurred by the parties during the marriage is less than \$10,000.
- ☐ The total fair market value of community assets is less than \$15,000, after the parties subtract any monies owed on the assets. I have listed the assets and the value of each asset on the attached piece of paper.
- ☐ All of the allegations, including those concerning property and debt listed in the Petition for Legal Separation of Marriage were true at the time I filed the Petition and remain true as of the date of the filing of this Motion and Affidavit. **If the allegations are no longer true, you need to tell the court why the allegations are no longer true.**

- ☐ Everything in the Petition for Legal Separation about who gets the property and who pays the bills/debt is fair and reasonable. If applicable, attorney fees are itemized on the attached paper to this Motion and Affidavit.
- ☐ The relief to be awarded in the attached Decree/Order is the same as the relief I requested in the Petition for Legal Separation, or if the relief to be awarded is different it has been approved by both parties as reflected in the Legal Separation Order signed by both parties.

Therefore, I request this Court to sign the attached Legal Separation Order.

\_\_\_\_\_  
Petitioner's signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_